



CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
FAX (303) 567-4955

NOTICE AND AGENDA
Regular Meeting & Work Session to follow regular meeting
Idaho Springs Planning Commission
1711 Miner Street, City Hall
Wednesday, February 05, 2025 – 6:00 p.m.

PLANNING COMMISSION - REGULAR MEETING
Wednesday, February 5, 2025
6:00 PM

- ❖ Call to Order
- ❖ Roll Call
- ❖ Agenda Approval
- ❖ Approval of Minutes from December 11, 2024
- ❖ Conflict of Interest
- ❖ Public Comment (on non-agenda items)
- ❖ Staff Update

A. Update about Subdivision Improvements Agreement: Soda Creek Highlands Development

- ❖ New Business

A. PH: Recommendation for Annexation and Zoning of City parcel at 839 Colorado 103

- ❖ Adjournment

**PLANNING COMMISSION
WORK SESSION**

Wednesday, February 5, 2025

Immediately following the completion of the scheduled Regular Meeting

- A. Mighty Argo Cable Car (MACC) Project Update and Presentation**
- B. Housing Discussion: Definitions and Regulations for Efficiency Units and Non-Traditional Housing**

**IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION
INSTRUCTIONS**

The Public is able to view and hear this meeting remotely at the following address on the City's website:
<https://www.colorado.gov/pacific/idahosprings/city-council-live>

To provide public comment remotely please use the link below
<https://us02web.zoom.us/j/82200987574?pwd=52TZD557WPBWtn9EassPr9asnySHV9.1>
Passcode:627970

For in-person Unscheduled Public Comment, please sign-in at the entrance to the Council Chambers.

Each individual that is providing public comment is limited to three (3) minutes.



**PLANNING COMMISSION
MINUTES
December 11, 2024**

CALL TO ORDER

Vice Chair Ursula Cruzalegui called the meeting to order at 6:00 p.m.

ROLL CALL

Commissioners present were Vice Chair Ursula Cruzalegui, Chuck Howard, Caitie Maxwell, Kent Slaymaker and alternate Jefferson Lich. Commissioner Lich served as regular member at this meeting. Chair Cindy Olson was absent. Staff present were Community Development Planner Dylan Graves, Deputy City Clerk Wonder Martell, Best and Brightest Fellow Maria Schanhals, and Assistant City Administrator Guy Patterson. City Attorney Nick Klein attended the meeting via ZOOM.

AGENDA APPROVAL

Commissioner Slaymaker moved to approve the agenda. Commissioner Lich seconded followed by an all in favor voice vote. Motion carries

APPROVAL OF MINUTES

Commissioner Howard moved to approve the minutes from August 7th, 2024. Commissioner Howard Slaymaker. Vice Chair Cruzalegui mentioned that in the first paragraph of the minutes, Commission Howard is called Commission Harmon. Deputy City Clerk Martell advised the commission that would be corrected in the minutes. Second followed by unanimous voice vote.

CONFLICT OF INTERST

There was no conflict.

PUBLIC COMMENT

None

STAFF UPDATE

Community Development Planner Dylan Graves introduced the new Assistant City Administrator Guy Patterson to the board. Mr. Graves went over his staff report with the commission. Mr. Graves advised the commission that the PC meeting in January will need to be on the second Wednesday of the month as the first Wednesday is January 1st and City offices are closed. Mr. Graves advised the commission that there may be a few items at that meeting, potentially a housing code update and the ARGO team would like to provide a project update to the Commission. Mr. Graves advised the commission that the city has been awarded a few grants. The Skate Park/Ballfields improvements, the RAISE Grant to be used for the mobility hub, a grant for the Montane Water Tank to increase capacity, and one for the planning phase for the new Police Station. Mr. Graves also advised the board that e GEM Motel, who has a current FDP to build a

motel at the corner of 15th and Colorado Blvd, have demolished the building that was struck by a vehicle awhile back, and are going to create a temporary parking lot until the funding for the proposed motel gets worked out.

NEW BUSINESS

Community Development Planner Mr. Graves advised the commission that the Three-Mile Plan has not been updated in a long time, and it's time to update the plan. Mr. Graves stated that this version includes all current annexations and infrastructure changes. Mr. Graves also recommended that this plan get updated on an annual basis. Commissioner Maxwell moved to recommend that the Idaho Springs City Council adopt the updated Idaho Springs Three-Mile Rea Plan, as contained in the regular meeting packet. Commissioner Lich seconded followed by an all in favor voice vote. Motion passes.

ADJOURMENT

Vice Chair Cruzalegui adjourned the meeting at 6:17 pm.



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1711 Miner Street
P.O. Box 907
Idaho Springs, CO, 80452-0907
303.567.4421 | (f) 303.567-4955
www.idahospringsco.com

Community Development Planner Communication

Meeting Date: February 5, 2025
To: Planning Commission Members
From: Dylan Graves, Community Development Planner
RE: Community Development Monthly Report
Action Requested: None

Grants:

- The City did not receive the Reconnecting Communities planning grant for the Pedestrian Bridge and associated improvements at the Exit 240 interchange along Highway 103. City staff is working on a way to incorporate the pedestrian bridge into other City projects, such as the RAISE capital grant for the downtown improvements.
- RAISE capital grant: The City has submitted a grant for the RAISE capital funding program for the downtown district improvements, which includes Miner Street reconstruction, a roundabout at 13th Avenue and Idaho Street near Exit 240, a parking structure behind Tommyknocker Brewery, and other related improvements. We will not hear back on this grant until the Spring.

City Project Updates:

- The Historic Sites and Facilities Board (S&F) is working on a preservation plan for City-owned historic sites and facilities. The next S&F meeting will be April 14th, and we hope to have a draft plan in place to bring to City Council for review soon thereafter. This is largely a Board-led initiative, with City staff support.
- Virginia Canyon Mountain Park (VCMP): The park is closed to recreational use until March 31, 2025, at the request of Colorado Parks and Wildlife (CPW) to protect winter bighorn sheep habitat during the breeding and lambing season. Construction work on the trail system and on the Mighty Argo Cable Car project are able to proceed. All existing trails will reopen on April 1 and several new trails currently under construction are scheduled to open in late Spring / early Summer.
- Soda Creek Highlands Subdivision Improvements Agreement: This will be under consideration at the February 10th City Council meeting. A Subdivision Improvements Agreement is required for any subdivision to allow for the provision of public improvements and infrastructure necessary for the development, including streets, water and sewer utilities, other utilities, drainage improvements, etc. There is a long history to this development, as many Planning Commissioners likely recall. 45 single-family lots were approved and platted in 2005 and the current owners are now ready to work towards developing these lots. A full report/update is included in the packet. No Planning Commission action is required for the Subdivision Improvements Agreement, so the inclusion of the report is merely for updates/information.
- City staff is working to get the Comprehensive Plan update process started. A work session item is anticipated for March to kick this off in earnest. We are currently working on putting together information to get us started, including potential timelines, process, and a proposed scope of work (whether it will be staff led or whether a consultant will lead the effort with staff support) and are working on an informal audit of the existing Plan.

Other Activities:

- City staff attended the Colorado Preservation Inc.'s Saving Places Conference this past week (January 29 to January 31), which focused on funding opportunities, best practices, and other historic preservation topics and resources.

**IDAHO SPRINGS
PLANNING COMMISSION UPDATE ITEM**

Meeting Date: February 5, 2025	Page 1 of 7	Item: Subdivision Improvements Agreement for the Soda Creek Highlands Development
Presented by: Dylan Graves Community Development Planner		

PROPOSAL:

This is an update item on the Subdivision Improvements Agreement (SIA) submitted to the City by the Soda Creek Highlands Development Co., LLC (the Developer) for the Soda Creek Highlands subdivision development (Subdivision) west of Pine Slope Road. The Planning Commission will not take action on this due to Idaho Springs Municipal Code (ISMC) requirements but staff wanted to provide a full update on the item so that the Planning Commission is aware of the item before it goes to City Council for review and potential action on February 10th.

The SIA establishes required public improvements to be constructed as part of the development, determines the estimated costs required to construct said improvements, and requires the owner/developer to provide a financial guarantee for completion of the improvements. The SIA requires the financial guarantee to be 125% of the estimated costs to construct the public improvements. If this SIA is rejected, the applicant and City staff would work together to amend the agreement consistent with Council's input so that it could be presented to Council at another meeting.

The Subdivision, which already received necessary planning approvals in 2005, will require the installation of certain public improvements primarily of benefit to the Subdivision and not to the City of Idaho Springs as a whole. As such, the Developer shall, at its sole cost and expense, design, construct and install those water and sewer main extensions, streets, curbs, gutters, storm drainage facilities and other public improvements listed on Exhibit B, attached as Attachment B. The public improvements are required to conform with and be subject to the City's Comprehensive Plan, Municipal Code, including its Subdivision Regulations and Design Standards and to all other applicable laws, rules, regulations and specifications of the City and any and all other governmental authorities having jurisdiction. The Developer shall secure and comply with all necessary permits issued by the City and other governmental authorities. Upon completion of the project and final acceptance by the City of the required improvements, the City will own the public improvements and will be responsible for maintaining them, including the streets and utility mains. Final acceptance is generally one (1) year (the warranty period) after initial conditional acceptance by the City.

The final plat for this Subdivision was approved and recorded in 2005 and is attached for reference. The Subdivision contains 45 single-family residential lots on 42.04 acres, 2.57 acres of which is open space.

ATTACHMENTS:

- A. Draft Subdivision Improvements Agreement
- B. Exhibit B, Subdivision Improvements Agreement
- C. Recorded Final Plat for Subdivision

BACKGROUND:

The subject property was subdivided into 45 single-family residential lots in 2005 under the name Bristlecone Pines. It appears that an SIA was negotiated at that time but it was never executed or recorded. Typically, an SIA is approved for work before a final plat is approved and recorded. However, in this case, although we have the recorded final plat, we do not have a currently valid SIA to go along with it to provide for the public improvements required as part of the project. Notes show that part of the reason that development did not occur was the economic downturn in 2008. This led to the project sitting dormant for some time, though the plat has remained over the intervening years.

In 2018, the current owners purchased the property and initially proposed to re-subdivide the property at a much higher density and rezone the property to a PD, which would have allowed for over 200 dwelling units. This proposal was taken to the Planning Commission in March 2020, where the Planning Commission recommended denial of the rezoning. The application was then withdrawn without a City Council action. Therefore, the subdivision plat creating 45 single-family lots remains in place. However, any rights that the Property owner previously possessed to develop the Property under the prior City Code and standards has expired. The City may therefore impose its current Code and standards on the Property so long as such imposition does not deprive the owner of reasonable use of the Property.

As such, the execution of the SIA is the next step in the process to allow the Developer to continue with the project and build the necessary public improvements required prior to construction on any of the platted lots. Once an SIA is approved, the developer will be able to submit final civil plans showing their proposed public improvements for review and approval. The City currently has preliminary plans, which require revisions before they can be approved and permits for the work can be issued. For example, the plans included in this packet do not have final drainage in place – additional drainage improvements will need to be shown to meet current City requirements. However, the plans included in this packet contain sufficient detail to provide an adequate estimate of costs for the necessary improvements included in the SIA document. Once these plans are approved, the Developer will be able to begin work on public improvements. Once these are completed and the City accepts the improvements, the construction process for the 45 single-family lots may commence.

As mentioned above, completion of the required public improvements is addressed in the SIA by requiring the developer to provide a surety bond, cash or an irrevocable letter of credit in an amount equal to 125% of the estimated costs of the improvements. The financial guarantee must designate the City as beneficiary and authorizes the City to draw upon the same, in order to complete the improvements, if necessary. This is a form of assurance that the improvements will be completed. Where the improvement funds come from is not subject to approval under the SIA. In 2019, with City approval, the Property owners voted to form Metropolitan Districts that cover the Property in order to help finance the development (Soda Creek Highlands Metropolitan District Nos. 1 and 2). These Districts and their funding mechanisms are not a part of this SIA.

NECESSARY PUBLIC IMPROVEMENTS:

According to Section 24-61 of the Idaho Springs Municipal Code (ISMC), the subdivider shall improve all streets, sidewalks, curbs, gutters, public ways and facilities, water and sewer services and drainage structures in the subdivision and adjacent thereto required to serve the subdivision.

According to Section 24-61, the minimum improvements which the subdivider shall make at the cost of the subdivider prior to acceptance for maintenance by the City shall be:

1. *Grading, paving, drainage and drainage structures necessary for the proper use and drainage of streets and public safety. In addition, it is required that the subdivider mitigate the impact of the additional traffic*

from the proposed subdivision on existing City streets. The subdivider will be assessed an impact fee per lot for single-family residential subdivisions, per dwelling unit for multifamily housing and per parking space for commercial and industrial development, in amounts set forth in the City's fee schedule.

2. *Curbs and gutters.*
3. *Street name signs and all traffic control signs.*
4. *Sidewalks, minimum widths:*
 - a. *Residential: three (3) feet.*
 - b. *Nonresidential: six (6) feet.*
5. *Fire hydrants, spaced to meet the requirements of the Fire Code as adopted by the City. Water main sizes and pressures shall meet the requirements of the City's Fire Code.*
6. *Water and sanitary sewer systems shall be extended to each lot in the subdivision and connected to the existing City system. The design of each system must be approved by the City prior to commencement of construction. The subdivider shall bear all costs for the water and sewer systems. In addition, the City shall evaluate the impact of the added burden on the City's existing water and sewer treatment facilities and distribution systems. The evaluations shall be prepared by the City's engineering consultants and shall be paid for by the subdivider. When the results of these evaluations indicate the extent of the impact the proposed subdivision will have on existing facilities and distribution systems, the subdivider will be assessed a cash fee based upon the engineering studies, sufficient to offset the projected impact on such facilities and distribution systems.*
7. *Electric, gas and all other private utilities. All utilities shall be underground and shall meet the requirements of the utility provider and the City's Electrical Code.*
8. *All parks, recreational facilities and other public improvements as called for in the subdivision regulations.*

An analysis of the proposed improvements is as follows:

1. Provisions for grading, paving, drainage, and drainage structures are necessary and are included in the proposed SIA. The City will require that impact fees be paid at the time of building permit for all future construction on the lots, once public improvements are complete and homes can be constructed. This is included as a condition of approval. Staff believe that requiring impact fees at the time of construction is suitable since it is at this point that impacts on adjacent properties and on the City at-large will be realized. Staff believe that the impact of development is mitigated, as the Developer will improve Pine Slope Road where it connects to Soda Creek Road. The developer has also committed to drainage improvements to ensure that drainage issues do not occur for adjacent properties.
2. The SIA includes provision for curb and gutter facilities as part of the proposed public improvements.
3. Street name signs and traffic control signs will all be required as part of the proposed public improvements and a condition is proposed requiring as much.
4. Sidewalks are not proposed as part of the current SIA. The Developer has requested that no sidewalks be required as part of the development. City staff believe that this is a reasonable concession, as the proposed roadways are low volume and are more rural in feel than a typical street within City Limits. A lack of sidewalks is in keeping with other, similar developments in the City that also do not have sidewalks, like Montane Park. Given that Pine Slope Road is classified as a low volume road with under 450 average daily trips (ADTs) per day, Staff finds it reasonable that pedestrians could share the road with vehicles. Staff recommends that "share the road" signage be required to notify road users that the roadways are shared between pedestrians, vehicles, and other road users.

5. The proposed SIA does not include a water tank for fire mitigation. The development instead proposes nine (9) hydrants across the lots to provide water access in case of emergencies. The SIA calls for 6” water lines. The Fire Authority has reviewed the proposed application and did not provide any comments of concern.
6. The proposed plans provide for required water and sewer improvements, including several improvements off the subject property. 6” water lines are proposed across the development. 6” sewer lines are also proposed. These widths are suitable for the intensity of development that is proposed. Off the Developer’s property, the Developer will be required to improve the section of Pine Slope Road from the north intersection of Pine Slope Road and Soda Creek Road to the Developer’s property line. The SIA also requires sewer improvements for properties along Pine Slope Road, per Section 28 of the SIA. For example, the Developer shall install sanitary sewer service connection lines to the edge of properties at 635, 637 and 639 Pine Slope Road from the new sewer main to be installed in Pine Slope and shall abandon “in place” the existing collection line in Pine Slope Road (at the Developer’s cost). The Developer may also be required to extend sewer mains and install sanitary sewer service connection lines to the edge of property at 623, 627, 633, 620, 626, 632, and 634 Pine Slope Road, if directed by the City (that work would be completed by the Developer but paid by the City).

The City has not yet evaluated the impact of the added burden on the City's existing water and sewer treatment facilities and distribution systems but will do so prior to final approval of civil plans for public improvements. The evaluations shall be prepared by the City's engineering consultants and shall be paid for by the subdivider in accordance with Section 24-61 requirements. This is included as a proposed condition of approval.

7. All electric, gas, and other private utilities will be required to be underground. There is an existing overhead electrical line owned by the Public Service Company of Colorado (PSCO) and an 80’ easement is granted to PSCO for this line. This line will not be required to be relocated underground as part of this development.
8. The proposed public improvements do not include park or recreation space within the development. However, the development includes 2.9-acres of open space as part of Open Space Tract E, which is proposed to be dedicated to the City as part of this SIA. It is not anticipated that substantial maintenance would be necessary, as the land is expected to remain in unimproved condition. Some drainage improvements, such as swales, may be constructed in this area but no park or recreation improvements are proposed.

PROPOSED VARIANCES/DEVIATIONS FROM SUBDIVISION REGULATIONS

In the proposed SIA, the Developer requests several deviations from the ISMC and the *Standards and Specifications for Design and Construction*, as included in Section 27 of the draft SIA. Aside from these requested variances, the proposed improvements will be required to be fully compliant with City regulations. The requested variances are as follows:

Subdivision Regulation	Variance Summary
3.3.A	Allow parking on one side of streets except in areas where centerline road radius is less than 50-ft.
3.3.A	Permit reduction of roadway width from 26 ft to 20 ft curb to curb for section of Pine Slope road from intersection with Soda Creek Road to driveway at Station 17 + 21.61.
3.3.A	Allow reduction of roadway width from 26 ft to 24-ft curb to curb.
3.3.D.1	Permit maximum roadway grade of 8.25% and intersection grade greater than 4% at one intersection.
3.3.D.2	Permit minimum roadway centerline radius of 40-ft.
3.3.D.3	Permit a minimum of 0-ft tangents (reverse curves) in some situations due to topographical constraints.
3.4	Permit allowance for no sidewalk on either side of roadways.
3.6.C	Allow utility easements in dedicated public rights-of-way also used as roadways.
6.1.D	Permit allowance for no sidewalk on either side of the roadway.
7.2.A	Accept land dedication of Open Space Tract “E” – 2.9 acres which is 5.19% of the total land area being subdivided.

These items were reviewed by City staff, including planning, engineering, and public works. They were also reviewed by the Clear Creek Fire Authority to ensure compliance with fire district requirements. These variances were determined to be appropriate, allowing flexibility in design while still achieving the goals and purposes of City regulations.

The proposed request to allow street parking on only one side of the street, as opposed to both sides, seems reasonable given the requirement for at least two off-street parking spaces associated with new single-family residences. Given that there are only residential uses proposed in the subdivision, there appears to be less need for on-street parking than in other areas of the City where there are a mix of uses and higher densities.

The reduction in roadway width from the required 26 feet to 20 feet near the intersection of Soda Creek Road and 24 feet elsewhere in the development was reviewed by JVA, the Fire Authority, and Public Works, none of whom had issues with the reduced widths. The referral departments agreed that necessary services – Fire and EMS, road maintenance, etc. – could be performed on these narrower roads. Additionally, the existing Pine Slope Road surface is only ~16’ in width, so the condition will be improved in this area. Nevertheless, City staff have some concerns about the 20’ road width for the lower portion of Pine Slope Road starting at the intersection with Soda Creek Road. Although the existing road is only 16’ wide, the typical minimum lane width required in the *Standards and Specifications for Design and Construction* is 12’ for a low volume road like Pine Slope Road and City staff are unsure whether 10’ lane widths are acceptable given proposed traffic from the Soda Creek Highlands development coupled with existing Pine Slope Road residences. Staff is interested in Council input about whether a condition requiring 24’ lane widths might be more appropriate. Staff believe that a 24’ road width is acceptable for the rest of the project since the *Standards and Specifications for Design and Construction* allow for 12’ lane widths, which can be accommodated.

As mentioned above, sidewalks are not proposed as part of the current SIA as the Developer has requested that due to the slopes associated with the development and the low volume of estimated vehicle ADTs, sidewalks not be required. Staff find it reasonable that pedestrians could share the road with vehicles, though again staff believes that it would be wise to require street signage indicating that it is a shared space for vehicles, pedestrians, and other street users.

The City's *Standards and Specifications for Design and Construction* state that the maximum grade for all roads is seven percent (7%). Where roads approach intersections see Table 3.7.4. However, a local or low volume road may have sections with a grade of seven percent (7%) to eight point nine nine percent (8.99%) provided all of the following conditions are met: 1. The section shall be no longer than 500'. 2. The section shall have a horizontal radius of 1000' or greater. 3. Grades shall not exceed seven percent (7%) for 500' on either end of the section. 4. Curves with a horizontal radius of less than 600' shall not be within 500' on either end of the section. The proposed road grades are within the allowances included, as an 8.25% maximum grade is proposed. As such, staff was not concerned with an allowance for 8.25% grades throughout the project. Fire Authority and Public Works Department staff believe that the grades and turning radii associated with the development will not hinder necessary functions by either agency.

Regarding the proposal to dedicate Open Space Tract E to the City, the City's *Standards and Specifications for Design and Construction* do not require dedication of open space at a particular percentage. City staff believe that retaining 5.19% of the development as open space is a positive outcome, particularly because it provides a buffer between the proposed single-family lots and the existing homes on Pine Slope Road. City staff would be open to the provision of drainage improvements or run-off mitigation in the area, though this has not yet been proposed.

NEXT STEPS IF APPROVED:

The Developer submitted a preliminary civil set for public improvements with the intention of providing adequate detail to determine estimated costs of construction, which would allow them to provide a bond for 125% of project costs. This preliminary set has been reviewed by staff, including planning staff, engineering staff, public works staff, and Fire Authority staff. All members of staff believe that the estimate is reasonable, and the SIA document provides reasonable guarantees to ensure that all public improvements are constructed.

That said, there are some improvements that need to be made before any public improvements can proceed, regardless of whether this SIA is accepted and approved. For example, Nathan Skalak from JVA did a review of the plans and determined that the drainage improvements proposed with the cost estimate plan set will need to be revised and improved. While revised plans are required for the final civil set, City staff do not believe that the proposed revisions will substantially alter the cost of necessary improvements from the submitted estimate. The Developer is aware that revisions are required and will work on these for a final civil package, which will be reviewed and approved before work may commence. This is proposed as a condition of approval.

Sections 4(b) and 4(c) of the SIA requires that final plans be submitted, reviewed, and approved by relevant City staff members and consultants prior to construction of any public improvements. Although City staff believe that the preliminary plans are sufficient to estimate the costs necessary to complete public improvements, they are not complete, final plans. The SIA obliges the Developer to build all public improvements, regardless of total cost, so if the SIA estimate ends up being low, the Developer will still be required to complete all public improvements, and the 25% contingency ensures that additional money is bonded should the City be required to complete any necessary improvements.

STAFF ANALYSIS OF PROPOSAL:

Staff believe that the SIA provides necessary protection to the City to allow the Developer to proceed with the next step in development. It obliges the Developer to provide all necessary public improvements in accordance (for the most part) with the current ISMC and the *Standards and Specifications for Design and Construction*. Staff is reasonably convinced that the cost estimate provided is likely sufficient to construct the necessary public improvements listed in the aforementioned documents and in Exhibit B of the SIA.

Staff believe that the proposed variances from the *Standards and Specifications for Design and Construction* are reasonable given the site constraints and the relatively low densities associated with the proposed development. Fire and EMS officials are confident that the proposed grades will be suitable to allow for emergency responses. Public Works is confident that the City will be able to perform necessary maintenance functions as required.

Staff will require that final civil plans meet all City requirements and that no construction will be authorized until sufficient plans meeting requirements are submitted and reviewed.

PROPOSED CONDITIONS OF APPROVAL:

1. Prior to the construction of any public improvements, final civil plans must be submitted to City staff for review and approval.
2. Prior to approval of final civil plans, drawings must be updated to include drainage improvements meeting City of Idaho Springs standards for such infrastructure.
3. Street signs and traffic control signs (stop signs, yield signs, etc.) are required as part of the necessary public improvements. Signage shall be installed as part of the public improvements required to notify vehicles, pedestrians, and other road users that the road is shared.
4. All private utility lines, including gas and electric lines, are required to be underground as part of this development.
5. The City's engineering consultants, in coordination with City staff, shall evaluate the projected impact and burden of the as-built Subdivision on the City's existing water and sewer treatment facilities and distribution systems prior to issuance of any permits required to construct approved public improvements. Any impacts and burden that Staff identifies as directly caused by the Subdivision shall be adequately mitigated, as determined by staff, and the costs of the same shall be paid by the Developer.
6. An impact fee of \$5,000 per residential lot is required per the Idaho Springs Fee Schedule. This impact fee is required to be paid for each lot prior to issuance of a building permit to construct improvements on said lot.

STAFF RECOMMENDATION:

The Planning Commission will not take action on this item. This report is merely to provide an update to the Planning Commission about the upcoming review that will take place at the February 10 City Council meeting.

IDAHO SPRINGS PLANNING COMMISSION COMMUNICATION

Meeting Date: February 5, 2025	Page 1 of 5	Item: Request for Annexation of 839 CO 103 into the City of Idaho Springs and Zoning of the Property to R-3
Presented by: Dylan Graves Community Development Planner		

PROPOSAL:

This is a proposal to annex 839 Colorado 103 adjacent to the Idaho Springs Cemetery into the City Limits and zone the property Residential 3 (R-3). The 839 CO 103 parcel was recently purchased by the City. This report concerns the proposed annexation of “A part of the J.J. Elliot Placer, M.S. No. 2331, located in Section 2, Township 4 South, Range 73 West of the 6th Principal Meridian,” also known as 839 Colorado Highway 103, Idaho Springs, Colorado 80452, approximately 1.99 acres (the “Property”). The City agreed to purchase the Property on April 22, 2024, and closed on the Property on January 6, 2025. If annexed, the parcel will need to be zoned under a City district. Staff proposes the R-3 zoning district as there are adjacent R-3 properties along CO 103 and because it allows for multi-family housing, which is intended for the Property.

BACKGROUND:

The City was approached by the previous Property owner about his interest in constructing senior affordable housing on the property. This aligns with City goals for housing and after negotiations and initial conceptual design, the City agreed to acquire the property with a purchase agreement that would allow for senior affordable housing to be developed on the property. Now that the property is purchased, the first step towards development of senior affordable housing on-site is to annex the property into the City and then zone the property. R-3 is thought to be a suitable zoning district as it allows for multi-family development and because there are existing R-3 zoned parcels in the area. As required by the agreement to purchase the Property, City Staff are working on a deed restriction to ensure that the Property can only be used for senior affordable housing purposes in the future.

PLANNING COMMISSION ROLE:

State statute allows city-owned parcels to follow a simpler process for annexation than annexation of non-city-owned properties and does not require a recommendation from the Planning Commission. The zoning of the property requires a public hearing with Planning Commission before it is reviewed by City Council. Planning Commission provides a recommendation on the zoning application.

CRITERIA FOR APPROVAL - ANNEXATION:

Per Sec. 21-103(J) of the Idaho Springs Municipal Code (ISMC), it shall be the general policy of the City with respect to annexations, the annexation application and the consideration of annexation petitions that:

1. Annexation is a discretionary act. With the exception of a petition initiated by the City for the annexation of an enclave, the City Council shall exercise its sole discretion in the annexation of territory to the City.

2. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan.
3. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the City in order that the public needs may be served by such facilities.
4. These facilities may include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the City shall not create any additional cost or burden on the then-existing residents of the City to provide such public facilities in any newly annexed area.
5. The applicant for annexation shall not divide tracts of land to prevent further annexation of adjoining parcels (i.e., leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).
6. The property owner shall have complied with all requirements of the Act and this Chapter prior to final approval of an annexation petition.
7. City staff shall testify as to the elements required by statute to be present for annexation, the proposed annexation agreement and the annexation impact report as described in the Act and this Chapter.

Sec. 21-103(I) requires that City staff analyze the feasibility of annexing the proposed property. Issues to be considered shall include but not be limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the City's costs to service the proposed development; and any other related matters.

ANNEXATION

This proposal includes annexing approximately 1.99 acres.

The Annexation Map (attached) complies with State Statute and demonstrates the required 1/6 contiguity with the Idaho Springs City Limits is met. State Statutes allow contiguity between the City boundary and property to be annexed to be unaffected by the existence of "public lands, whether owned by the state, the United States, or an agency thereof." Contiguity with the Idaho Springs Cemetery provides the needed contiguity. ISMC Section 21-103 requires City staff to prepare a report analyzing the feasibility of annexing the proposed property.

1. COMPLIANCE WITH THE COMPREHENSIVE PLAN:

The subject property is in the vicinity of an area designated by the City's Comprehensive Plan as "transitional mixed use" and adjacent to an area designated as "mixed residential density." Given that the proposed use for the site would be multifamily housing designed for the community's seniors, this appears to comply with the Comprehensive Plan.

COMPLIANCE WITH THE THREE MILE PLAN

The Colorado Revised Statutes require the preparation of a Three Mile Plan, which the City updated and adopted on January 13, 2025. The Plan identifies issues that should be addressed prior to any parcel of land being annexed into the City. The Plan mentions that the criteria to be considered when determining which lands near Idaho Springs might be desirable for annexation include:

- i. *Areas which will broaden the range of housing types and home ownership opportunities in the City,*

The annexation will allow for multifamily housing dedicated to seniors, allowing for development of housing that meets a community need.

- ii. *Areas that have enough buildable land so that desired City land uses can be accommodated,*

The proposed annexation parcel is relatively flat and could accommodate multifamily housing of higher densities.

- iii. *Areas that are, or can easily be, served by utilities with no negative physical or economic impact on the community,*

The subject parcel is adjacent to City water and Chicago Creek Sanitation District sewer lines and connections would be readily available.

- iv. *Areas that help strengthen the economy of Idaho Springs,*

The parcel in question, if developed for senior housing, would allow community members to stay in the community later in life and open up additional housing options for local residents.

- v. *Areas that promote infill development, and*

Currently one single-family home is on the property. The long-term goal is to develop this parcel at a higher density.

- vi. *Areas that share a community of interest with Idaho Springs.*

The Colorado 103 corridor just north of this property is within City limits and includes Carlson Elementary School, a Clear Creek Emergency Medical Services station, and Scraps to Soil, along with several other businesses and residential properties. The Idaho Springs Cemetery is adjacent to the property. Staff believes that the annexation of these parcels will be beneficial to the City and share a community of interest.

2. SOURCES OF REVENUE FROM THE PROPERTY;

Staff does not anticipate significant revenue associated with annexation since the proposed use of the property is residential housing for seniors. Some revenues from water and sewer tap fees, taxes, etc. may be associated with the property long-term.

STAFF ANALYSIS – ANNEXATION

Staff believe that all annexation criteria are met.

CRITERIA FOR APPROVAL - ZONING:

In determining the zoning, the City Council may consider the following factors:

- a. Whether the proposed zoning is in conformity with the Comprehensive Plan.
- b. Whether there have been material changes in the character of the neighborhood such as to justify a change in the zoning.
- c. Whether the proposed rezoning will tend to preserve and promote property values in the neighborhood.
- d. Whether development of the property in accordance with the proposed rezoning will be in harmony and compatible with surrounding land uses and present development in the area.
- e. Whether the proposed rezoning will affect traffic congestion in the area.
- f. Whether the proposed rezoning will promote the public welfare.
- g. Whether denial of the proposed rezoning would impose an undue hardship on the owner.

a. Conformity with the Comprehensive Plan

As mentioned above, the property is adjacent to areas identified as “transitional mixed use” and “residential mixed density.” R-3 seems to be compatible with these designations since R-3 generally seeks the development of multifamily residential housing. There are a variety of single-family residences in the area, commercial uses, and public uses including an EMS facility and Carlson Elementary School, showing a clear mix of uses along this corridor.

b. Whether material changes in the character of the neighborhood justify the zoning change.

State statute and the ISMC require that the parcel be zoned within 90 days of annexation. This rezoning request to R-3 achieves this step in association with the annexation. With additional activity in the area due to the new Carlson Elementary School and proposed improvements to infrastructure to support the increased activity, Staff believes that the vicinity is undergoing changes that would allow for and be compatible with the multi-family zoning proposed for the site.

c. Whether the proposed rezoning will tend to preserve and promote property values in the neighborhood.

Staff believes that zoning the property R-3 – which is what all adjacent properties in City Limits are also zoned on the East side of CO 103 – will tend to preserve property values in the area. This ensures that no incongruous development would occur adjacent to existing properties within City Limits. Immediately surrounding the subject parcel are single-family residential lots located in Clear Creek County’s jurisdiction. While the proposed R-3 zoning is higher intensity than the immediately surrounding homes, the CO 103 corridor as a whole is congruous with multifamily residential housing and a mix of densities and uses.

d. Whether the development of the property in accordance with the proposed rezoning will be in harmony and compatible with surrounding land uses and present development in the area.

The immediate adjacent properties tend to be residential, single-family developments. Farther north are public uses (EMS station, school district buildings) and commercial uses. The R-3 zoning district would allow single-family residential or multi-family residential, the latter of which may be higher density than adjacent properties. Nevertheless, the adjacent properties in City Limits are zoned R-3 and as such could also be redeveloped at higher densities than presently exist.

e. Whether the proposed rezoning will affect traffic congestion in the area.

If the property is redeveloped into multi-family housing, traffic is likely to increase. However, CO 103 is designed as a higher-intensity road than current capacities would suggest. It is thought that it could accommodate the additional traffic from a potential multifamily development without substantial increases in congestion or travel times. A traffic study would need to be prepared as part of a redevelopment proposal.

f. Whether the proposed rezoning will promote the public welfare.

Staff believe that this criterion is met. When the property is redeveloped for senior housing, this will provide much needed housing stock for senior members of the community, which will provide public benefits. This is an area that can accommodate additional development and so appears to be able to accommodate density without causing public detriment or taxing of resources. All necessary infrastructure improvements (utilities, roads, etc.) already exist in the area.

g. Whether denial of the proposed rezoning would impose an undue hardship on the owner.

If the property is not zoned to something that allows for higher densities, the City's plans for future affordable senior housing development would be impacted. Alternative zoning options could be considered – a PD or R-M zoning, for example – but given that there is already R-3 zoning in this immediate area, it seems to be the reasonable zoning option.

PLANNING STAFF RECOMMENDATION:

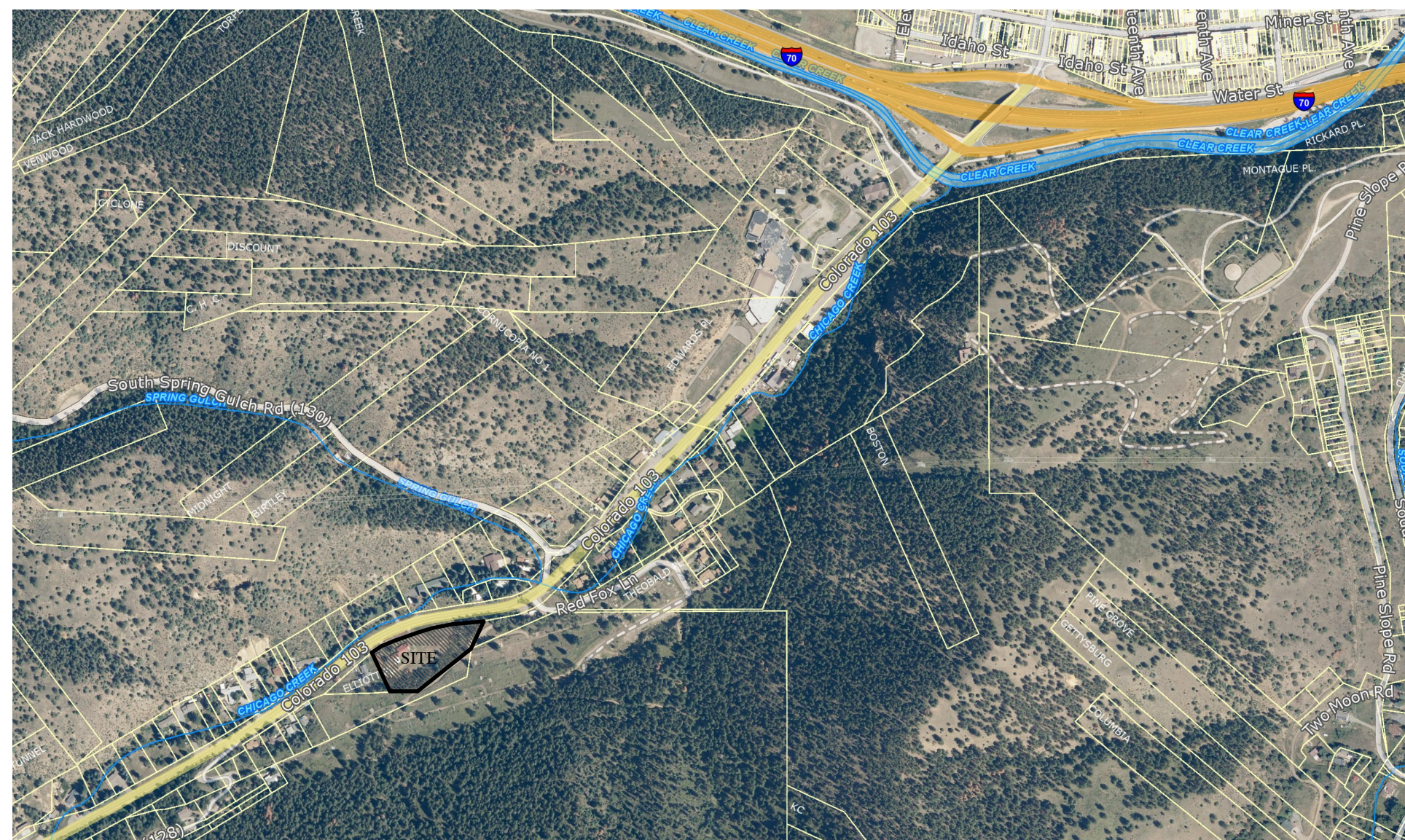
- 1. Planning Commission make a motion recommending that City Council annex the parcel and zone the parcel R-3.**

ANNEXATION MAP

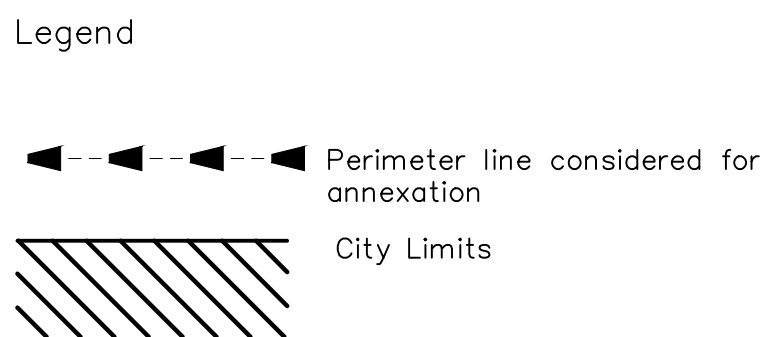
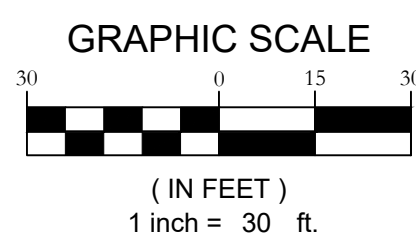
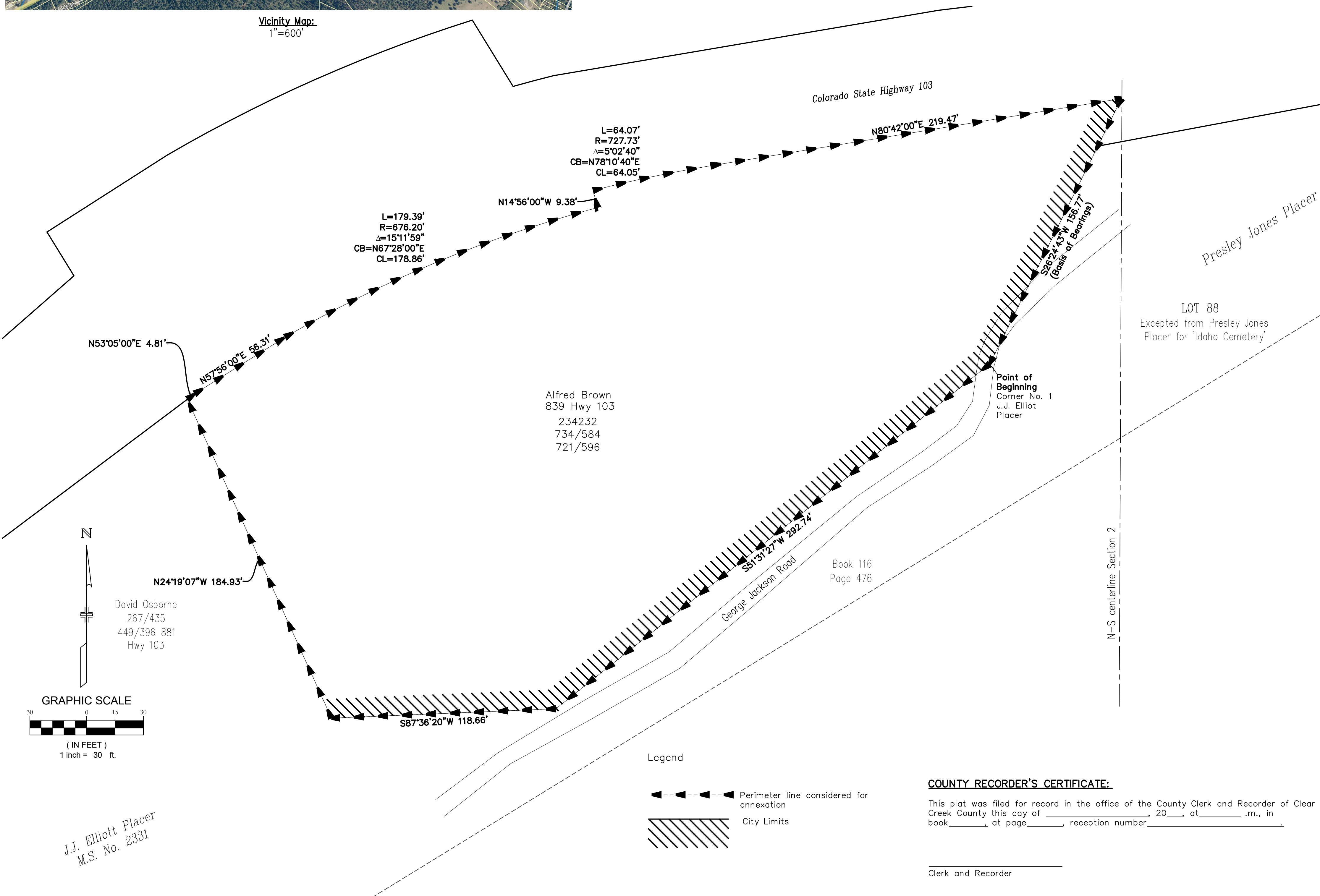
TO THE CITY OF IDAHO SPRINGS

A part of the J.J. Elliot Placer, M.S. No. 2331

Located in Section 2, Township 4 South, Range 73 West of the 6th Principal Meridian
City of Idaho Springs, County of Clear Creek, State of Colorado



Vicinity Map:
1"=600'



DESCRIPTION:

A part of the J.J. Elliot Placer, M.S. No. 2331, located in Section 2, Township 4 South, Range 73 West of the 6th Principal Meridian, City of Idaho Springs, County of Clear Creek, State of Colorado, more particularly described as follows:

Beginning at corner No. 1 of said J.J. Elliot Placer; thence S51°31'27"W, a distance of 292.74 feet; thence S87°36'20"W, a distance of 118.66 feet; thence N24°19'07"W, a distance of 184.93 feet to the Southerly right-of-way of Colorado State Highway 103; thence along said right-of-way the following six (6) courses

- N53°05'00"E, a distance of 4.81 feet;
- N57°56'00"E, a distance of 56.31 feet to a non-tangent curve;
- along said curve to the right a distance of 179.39 feet, having a radius of 676.20 feet and a central angle of 15°11'59", and a chord which bears N67°28'00"E;
- along a line non-tangent to said curve, N14°56'00"W, a distance of 9.38 feet to a non-tangent curve;
- along said curve to the right a distance of 64.07 feet, having a radius of 727.73 feet and a central angle of 05°02'40", and a chord which bears N78°10'40"E;
- N80°42'00"E, a distance of 219.47 feet; thence S26°24'43"W, a distance of 156.77 feet to the POINT OF BEGINNING.

Containing a calculated area of 86,867 square feet or 1.99 acres.

Basis of Bearings: Bearings are based on the 1-2 line of the J.J. Elliot Place, M.S. No. 2331, having an assumed bearing of S26°24'43"W, marked with an axle set in concrete and a 3 rebar with a plastic survey cap marked LS 20128.

CONTIGUITY STATEMENT:

The above described land is contiguous to the City of Idaho Springs and meets the requirements set forth in Colorado Revised Statutes 1973, 31-12-104-(1) (a) that one-sixth or more of the perimeter to be annexed is contiguous with the annexing municipality.

- Total perimeter considered for annexation = 1,287'
- One-sixth of total perimeter required for annexation = 215'
- Perimeter contiguous with existing city limits = 568', exceeds the 1/6 contiguity required.

OWNER CERTIFICATE:

Owner _____
Signed this ____ day of _____, 202__,
State of Colorado)
County of Clear Creek)SS

The foregoing instrument was acknowledged before me this ____ day of _____, 202__,

Witness hand and official seal
My commission expires _____
Notary Public _____

APPROVAL CERTIFICATE:

Approved for filing by the City of Idaho Springs this ____ day of _____, 202__,

ATTEST:
Chuck Harmon, Mayor
State of Colorado)
County of Clear Creek)SS

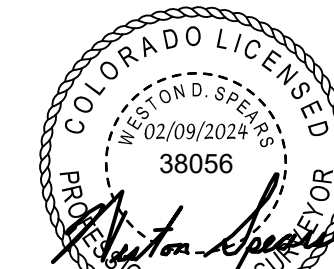
Diane Breece, City Clerk

The foregoing instrument was acknowledged before me this ____ day of _____, 202__,

Witness hand and official seal
My commission expires _____
Notary Public _____

SURVEYOR'S CERTIFICATION:

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this annexation map was made in accordance with applicable standards of practice, was prepared under my responsible charge, and is accurate to the best of my professional knowledge, information and belief. This is not a guaranty or warranty, either expressed or implied.



Weston D. Spears, Professional Land Surveyor
Colorado P.L.S. No. 38056
for and on behalf of Weston Surveying

COUNTY RECORDER'S CERTIFICATE:

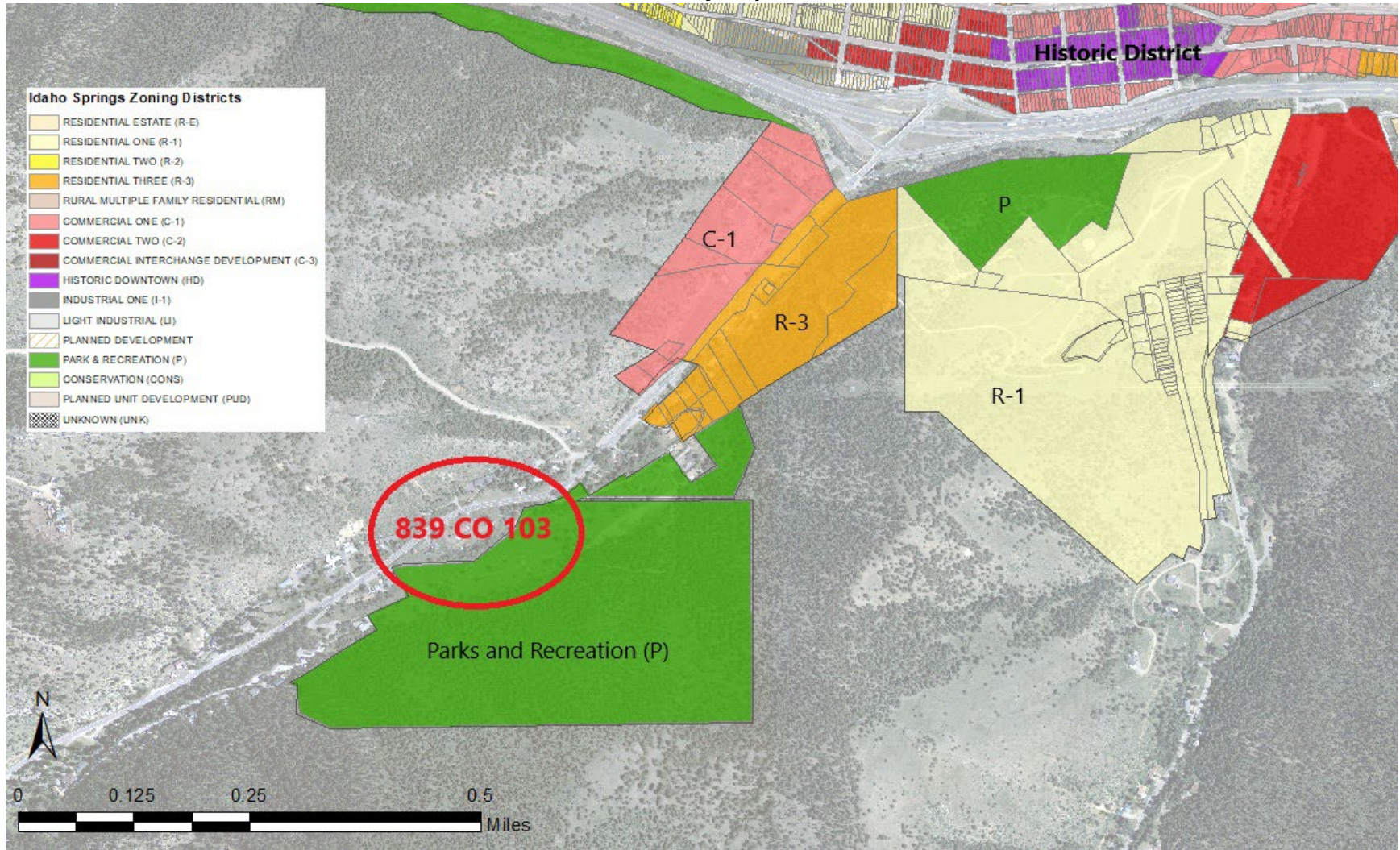
This plat was filed for record in the office of the County Clerk and Recorder of Clear Creek County this day of _____, 20__, at _____, m., in book _____, at page _____, reception number _____.

Clerk and Recorder _____

		Annexation Map	
		A part of the J.J. Elliot Placer, M.S. No. 2331	
Client: City of Idaho Springs		S2, T4S, R73W of the 6th P.M.	No. of Sheets
Clear Creek Surveying P.O. Box 3184, Idaho Springs, CO 80452 (303) 567-4755		Sheet No. 1	1

J.J. Elliott Placer
M.S. No. 2331

Annexation and Zoning – 329 CO 103 Vicinity Map





TO: Planning Commission
CC: City Administrator Andrew Marsh
FROM: Dylan Graves, Community Development Planner
SUBJECT: Efficiency Units Draft Ordinance Discussion
MEETING DATE: February 5, 2025

The scope of this work session is to present and review an initial draft ordinance for review to address concerns about housing that is not an extended stay lodging space but is also not a dwelling unit according to the definition of a dwelling unit in Chapter 21 of the Idaho Springs Municipal Code (ISMC), which states:

Dwelling unit. One (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building. "Dwelling unit" does not include extended stay hotels.

The intent is to provide both existing and future developments to be able to fit into the ISMC requirements for housing and provide flexibility to potential developers within the ISMC.

Regarding existing properties in the City, there appear to be several that were originally built as hotels or motels but were converted to long-term residences sometime in the past. Staff are unsure if existing properties went through any official approval from the City for this change of use. It is possible that no such requirements existed at the time that the conversion occurred. It appears that these spaces do not meet the definitions included in the recently approved extended stay lodging ordinance, so they are not subject to that new regulation. Under the existing ISMC regulations, it is likely that existing spaces that have undergone a change of use as described would be considered legally nonconforming uses in accordance with Section 21-12. As such, no action would be needed if the City adopted new regulations for these existing spaces but any new spaces would need to go through a change in use and meet City requirements.

The closest definition in the ISMC that could be used to define these types of spaces is a "Dwelling, Efficiency Unit":

Dwelling, Efficiency unit; A dwelling unit containing not more than one (1) room or enclosed floor space arranged for living, eating, and sleeping purposes not including bathrooms, water closets, laundry rooms, pantries, foyers, hallways, and other accessory floor spaces. An efficiency unit is also known as a studio-type dwelling unit.

Although the dwelling, efficiency unit definition exists in the ISMC, the ISMC currently does not allow a dwelling, efficiency unit in any zoning district, according to the use table in Sec. 21-74.

The City's attorneys have drafted an ordinance to address this issue. The ordinance proposes that "dwelling, efficiency unit" be added as a use by right in zoning districts that allow multiple family dwellings per Section 21-50 of the ISMC, which would be R-3, R-M, C-1, and C-2. This would allow any current space meeting the definition of a dwelling, efficiency unit to fit within those zoning districts. It would also allow for future property owners who wanted to create efficiency units a codified method by which to get these spaces permitted without the need for a Conditional Use permit. By keeping the scope of the ordinance very focused, it does not set any standards that could undermine existing ISMC regulations or Building Code or Fire Code requirements, which would regulate these types of developments.

Request for Direction: Does Planning Commission agree with the inclusion of dwelling, efficiency units into the Use Table in Section 21-61 of the ISMC as proposed in the draft ordinance?

OTHER TOPICS TO CONSIDER

Given the limited scope of this ordinance, City staff would be comfortable moving forward with this ordinance if the Planning Commission is equally comfortable. However, the ordinance does not address several items that may warrant further discussion.

First, Section 21-61 of the ISMC requires that multiple-family efficiency units have a minimum gross floor area of at least 400 square feet in the R-3 and R-M zoning districts. It does not specify a minimum floor area for C-1 or C-2.

Communities differ in terms of the minimum floor area required for studios and efficiency units – 400 square feet is not a universal standard tied to Building Code, Fire Code, or other state or federal regulations. For example, Summit County allows 350 square foot studios but allows a reduction in that minimum square footage if several requirements are met, including significant storage outside of the unit; design features that improve a home’s livability (laundry facilities, efficient layout, higher ceilings, etc.); or common area amenities like community rooms or workshop spaces.

A benefit of reducing minimum square footage standards is that it would reduce the average cost per unit for developers and it would potentially allow for additional density on existing multifamily lots. This could allow for affordable housing development to occur more easily within the City.

This could be a topic of discussion for more than just efficiency units. Currently, single-family residences and duplexes are required to have a minimum gross floor area of 850 square feet; one-bedroom multifamily is required to be 550 square feet; two-bedroom units 720 square feet, and three-bedroom units 900 square feet. Reducing these square footages could make development more affordable for developers and residents in the future.

If the Planning Commission believes that modifications to existing minimum square footages is warranted, staff would be happy to do a study to determine what is allowed in other municipalities to get a sense of how Idaho Springs compares and bring this back as a future work session item.

Request for Direction: Does the Planning Commission believe that existing square footage standards are still appropriate, or would Planning Commission like Staff to do some research about potentially amending this minimum square footage standard?

Second, the ordinance does not discuss any additional standards for specific non-traditional housing types, like dormitory style housing or other housing types that do not meet current ISMC definitions. We have engaged in initial research into regulations elsewhere that establish standards for these types of housing but do not have enough research to present at this time. Staff would be happy to look into this further.

Currently, any development could be proposed through the City’s Conditional Use permit process. If someone wanted to propose a dormitory style housing development, the Conditional Use permit process would allow uses not currently permitted in the ISMC to be considered.

Request for Direction: Does Planning Commission want staff to put together additional resources about alternative housing types?

Ultimately, my question is whether we want to proceed with any regulations prior to considering an ordinance to allow efficiency units in R-3, R-M, C-1, and C-2 zoning districts.

**CITY OF IDAHO SPRINGS
Clear Creek County, Colorado**

Ordinance No. __, Series 2025

AN ORDINANCE AMENDING SECTION 21-50 OF THE IDAHO SPRINGS MUNICIPAL CODE TO ESTABLISH EFFICIENCY UNITS AS A PERMITTED USE IN THE R-3, R-M, C-1, AND C-2 ZONE DISTRICTS WITHIN THE CITY

WHEREAS, the City of Idaho Springs, Colorado (the “City”), is a Colorado statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the City, acting through its City Council (the “Council”), is authorized to adopt rules and regulations governing the planning, zoning, and use of land within its territory; and

WHEREAS, pursuant to such authority, the Council previously adopted land development regulation regulations, codified as Chapter 21 of the Idaho Springs Municipal Code (“Code”); and

WHEREAS, “efficiency dwelling units” are defined by the Code but not currently allowed as a use by right in any zone district; and

WHEREAS, there are currently efficiency dwelling units operating within the City, and the Council projects that the demand for this type of housing stock is likely to continue into the future; and

WHEREAS, the Council therefore finds that it is desirable to add efficiency dwelling units as a permitted use in certain zone districts where such uses would be compatible with other uses in such districts, all as further set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

Section 1. Section 21-50 of the Code, concerning allowed uses by zone district, is amended to read as follows:

Sec. 21-50 - Allowed used by zone district.

		R-E, Residential Estate	R-1, Residential One	R-2, Residential Two	R-3, Residential Three	R-M, Rural Multiple-Family	HD, Historic Downtown	C-1, Commercial One	C-2, Commercial Two	C-3, Commercial Interchange	L-1, Light Industrial	I-1, Industrial One	P, Park and Recreation
Multifamily and mixed use	Multiple family dwelling				X	X		X	X				
	<u>Multiple family, efficiency dwelling unit</u>				X	X		X	X				

Section 2. Should any one or more sections or provisions of this Ordinance or of any Code provision enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code provision or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2025.

 Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

 Diane Brece, City Clerk

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2025.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk